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Committee on Specific Commitments

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## PROPOSAL FROM THE UNITED STATES

### UPDATING GATS SCHEDULES WITH CONDITIONAL SPECIFIC COMMITMENTS

The following communication, dated 5 March 2020, is being circulated to Members of the Committee on Specific Commitments, at the request of the delegation of the United States.

1.1. At the 28 October 2019 meeting of the Committee on Specific Commitments (CSC), the Chair raised the possibility of future work of the CSC. As described in the annotated agenda for the 28 October 2019 meeting (JOB/SERV/295), this work could "examine commitments which condition their entry into force, implementation or improvement to the adoption of new legislation or the review of the pre-existing regime, with a view to bringing them up to date." Most of these commitments date back to the 1990s. It would be useful to examine these schedules to see where Members might provide updated schedules.

1.2. One example of the type of conditional specific commitment raised by Members is a telecommunications entry by one Member in its Schedule of Specific Commitments. In its Schedule, the Member conditioned its commitments in the following manner:

*Under mode 3 Market Access:*

Conditional upon passage and coming into force of all necessary new communication acts, commencing from the year 2006, this Member *will introduce the market access elements* as contained in those acts into relevant parts of its Schedule of Specific Commitments relating to the supply of public telecommunication services. (emphasis added).

*Under mode 3 National Treatment:*

Conditional upon passage and coming into force of all necessary new communication acts, commencing from the year 2006, this Member *will introduce the national treatment elements* as contained in those acts into relevant parts of its Schedule of Specific Commitments relating to the supply of public telecommunication services. (emphasis added).

*Under Additional Commitments:*

Conditional upon passage and coming into force of all necessary new communication acts, commencing from the year 2006, this Member *will introduce into its Schedule of Specific Commitments* on public telecommunications services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce resources. (emphasis added).

1.3. To date, the Member has not yet revised its Schedule as it indicated it would after 2006 even though relevant communication laws have come into force. In order to have an accurate and more complete schedule of commitments, Members that indicated they would submit revisions should do so. As one Member stated at the last CSC meeting, it is unlikely that Members would oppose this

work as it would improve transparency of commitments.<sup>1</sup> Another Member reminded the Committee that one of its functions is to examine, at the request of Members, schedules of specific commitments with a view to improving their technical accuracy and coherence in the future.<sup>2</sup>

**Proposed Next Steps:**

1.4. The United States requests the WTO Secretariat identify Members' GATS schedules that contain specific commitments that were conditioned on implementing or improving their services regime, for example following the adoption of new measures, a policy review, or domestic reforms. Members with such conditional commitments would be requested to provide an update on the outcome and current status of the measure, review, or reform in question and their plans to revise their schedules in accordance with their existing Schedule of Specific Commitments.

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<sup>1</sup> See Report of the Meeting Held on 28 October 2019, *S/CSC/M/81*.

<sup>2</sup> *Ibid.*